## REMARKS

Initially, Applicants would like to thank the Examiner for acknowledging Applicants claim for foreign priority under 35 U.S.C. §119, as well as receipt of the documents upon which the claim for foreign priority is based. Applicants would also like to thank the Examiner for indicating the acceptance of the drawings submitted with the present application on April 24, 2006.

Applicants would also like to thank the Examiner for acknowledging consideration of documents listed on a Form PTO-1449 submitted with an Information Disclosure Statement on July 24, 2006. In this regard, Applicants note that the Examiner has determined that the PCT/DO/EO/903 form for the present application indicates that documents cited in an International Search Report are not present in the national stage file for the present application. Accordingly, the Examiner crossed off citations to these documents on the return copy of the Form PTO-1449 provided with the outstanding Office Action. If, upon inquiry, the documents cited in the International Search Report are not present in the national stage file for the present application, Applicants will submit a Supplemental Information Disclosure Statement to provide these documents for consideration by the Examiner.

In the outstanding Office Action, claims 16-17 were objected-to for informalities. Claim 12 was rejected under 35 U.S.C. §112, second paragraph, as indefinite. Claims 1-19 and 22-23 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 1, 4-5, 10, 13-18 and 20-25 were rejected under 35 U.S.C. §103(a) over LAO et al. (U.S. Patent Application Publication No. 2002/0109707) in view of TSUSAKA (U.S. Patent Application Publication No. 2002/0065816). Claims 2-3, 8 and 19 were rejected under 35 U.S.C. §103(a) over LAO and TSUSAKA, and further in view of RUSSELL et al. (U.S. Patent Application

Publication No. 2002/0049679). Claim 6 was rejected under 35 U.S.C. §103(a) over LAO and TSUSAKA, and further in view of MOLARO (U.S. Patent Application Publication No. 2004/0139027). Claim 7 was rejected under 35 U.S.C. §103(a) over LAO and TSUSAKA, and further in view of VOGLER (U.S. Patent Application Publication No. 2004/0193902). Claims 9 and 11-12 were rejected under 35 U.S.C. §103(a) over LAO and TSUSAKA, and further in view of ISHIBASHI (U.S. Patent Application Publication No. 2001/0044786).

Upon entry of the present amendment, claims 1-25 will have been cancelled without prejudice to or disclaimer of the subject matter recited therein. The cancellation of claims 1-25 should not be considered an indication of Applicants' acquiescence as to the propriety of any outstanding objection or rejection. Rather, Applicants have cancelled claims 1-25 and added claims 26-37 to advance prosecution and obtain early allowance of claims in the present application.

Each of the outstanding objection and rejections has been rendered moot by the herein-contained cancellation of claims 1-25. Nevertheless, Applicants traverse each of the outstanding objection and rejections insofar as any or all of claims 26-37 recites combinations of features similar or identical to combinations previously recited in cancelled claims 1-25.

Applicants note that each of claims 26-37 is directed to a method, a terminal or a server, and that each of a method, terminal or server would be understood by one of ordinary skill in the art as belonging to subject matter of a statutory class under 35 U.S.C. §101. In this regard, a claimed invention is not non-statutory merely because of the perceived involvement of the claimed invention with software. Rather, a process is still a process though the process may be performed, in whole or in part, using software. Similarly, a computer such as a server is still an article of manufacture though the computer is characterized, in whole or in part, by functionality

of software executed by the computer. Accordingly, it is improper to characterize a process or an article of manufacture as somehow solely comprising a software program, particularly where guidance to the contrary has been consistently provided by the U.S. Patent and Trademark Office, and where such a characterization is inconsistent with Applicants' specification and the knowledge available to one of ordinary skill in the art.

With respect to the documents applied against the previous claims in the Office Action, LAO discloses a rights label describing payment of charge for use as a content usage condition. Use of content in LAO is allowed in an allowed usage mode if the usage condition is met, and prohibited in all usage modes if the usage condition is not met. TSUSAKA discloses showing a section subject to control, and RUSSEL discloses providing a self restriction.

However, according to exemplary claim 26, a method includes determining whether the usage condition specifies at least a playback based on playback control information; and... when the usage condition specifies at least the playback based on the playback control information, controlling a possibility and impossibility of a special playback in a section described in the playback control information, according to a restriction for the special playback described in the playback control information. LAO, TSUSAKA and RUSSEL do not disclose these features, whether considered alone or in any proper combination.

That is, according to the invention to which claim 26 is directed, license information describes allowing a content playback only based on playback control information as a usage condition. Therefore, the playback side controls a playback based on the playback control information when the license information describes allowing a content playback only based on the playback control information as the usage condition. LAO, TSUSAKA and RUSSEL do not disclose these features, whether considered alone or in any proper combination.

Additionally, accordingly to claim 34, a playback control terminal provides a playback control information processing section that, when the usage condition specifies at least a playback based on playback control information, controls an availability of a special playback for decoded content in a section described in the playback control information, according to the restriction for the special playback described in the playback control information. Whether considered alone or in any proper combination, LAO, TSUSAKA and RULLEL do not disclose or suggest such a playback information processing section.

Moreover, according to claim 31, a content distribution server includes a license information generating section that generates a license information containing a content key for generating encrypted content by encrypting content and containing a usage condition that specifies at least a playback based on playback control information describing a section of the encrypted content and a restriction for a special playback of the section. LAO, TSUSAKA and RUSSEL do not discloses such a license information generating section, whether considered alone or in any proper combination.

As set forth above, each of independent claims 26, 31 and 34 is allowable over the documents applied in the outstanding Office Action. Claims 27-30, 32-33 and 35-37 are ach allowable at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations. Accordingly, reconsideration and withdrawal of each of the outstanding objection and rejections under 35 U.S.C. §101, 35 U.S.C. §112, second paragraph, and 35 U.S.C. §103 is respectfully requested,.

Any amendments to the claims in this paper, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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